

JOSEPH P. RUSSONIELLO, CSBN 44332
 United States Attorney
 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 Chief, Civil Division
 ILA C. DEISS, NY SBN 3052909
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-7124
 FAX: (415) 436-7169

E-FILED - 1/17/08

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

CUIYAO GUTIERREZ,
 Plaintiff,

v.

MICHAEL CHERTOFF, Secretary;
 EMILIO T. GONZALEZ, Director, CIS;
 ROSEMARY MELVILLE, District Director;
 FRANCIS SICILIANO, Field Office Director,
 Department of Homeland Security;
 ROBERT S. MULLER, Director,
 Federal Bureau of Investigations,
 Defendants.

No. C 07-6013 RMW

STIPULATION TO DISMISS; and
XXXXXXXXXXXXXXXXXXXX ORDER

Plaintiff, by and through her attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice because the United States Citizenship and Immigration Services is now prepared to adjudicate Plaintiff's application for naturalization, and agrees to do so within 30 days of the dismissal of this action.

Each of the parties shall bear their own costs and fees.

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1 Date: January 10, 2008

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
3 United States Attorney

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5 /s/
6 ILA C. DEISS
7 Assistant United States Attorney
8 Attorneys for Defendants

9 Date: January 10, 2008

10 /s/
11 EDWARD R. LITWIN
12 CHRISTINA H. LEE
13 Attorneys for Plaintiff

14 **ORDER**

15 Pursuant to stipulation, IT IS SO ORDERED.

16 Date: 1/17/08

17 Ronald M. Whyte
18 RONALD M. WHYTE
19 United States District Judge
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